

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NASSER SABER,

Plaintiff,

-against-

NEW YORK STATE DEPARTMENT OF  
FINANCIAL SERVICES,

Defendant.

15-cv-5944 (LGS)

DECLARATION IN SUPPORT OF PLAINTIFF'S APPLICATION  
FOR ATTORNEYS' FEES

ARLENE F. BOOP, declares under penalty of perjury, as follows:

1. I submit this Declaration in support of Plaintiff's request for an award of attorneys' fees at the hourly rate of \$450 for the work performed by Doris Traub and \$400 for the work performed by Margaret McIntyre that resulted in a verdict in favor of the Plaintiff.

2. I received my law degree from New York University School of Law in 1975 and was admitted to the bar in 1976 in both New York and Pennsylvania.

3. I am also admitted to practice in the U.S. District Court for the Eastern and Southern Districts of New York; the U.S. District Court for the Western District of Pennsylvania; the United States Court of Federal Claims; the U.S. Court of Appeals for the Second Circuit; and the U.S. Supreme Court.

4. I started my legal career as a legal services attorney, first in Westchester, New York and then as an attorney and then managing attorney of an eight-attorney office with Neighborhood Legal Services in Pittsburgh, Pennsylvania.

5. In 1980, I returned to New York, first as an associate and then as a partner, in a firm, which was then known as Stollar, Alterman & Boop P.C. In 1988, together with Daniel Alterman Esq., I founded the firm of Alterman & Boop, LLP. Since that time, I have devoted a significant portion of my practice to cases involving civil rights, employment discrimination and wage and hour matters. My cases include, among many others, *LaPorta v. Alacra, Inc.*, 142 A.D.3d 851, 852 (1<sup>st</sup> Dep't 2016)(viable claim for hostile work environment, sexual harassment and retaliation under the New York City Human Rights Law); *Chen v. Yuen*, No. 04-cv-06579(GBD)(KNF), 2015 U.S. Dist. LEXIS 163304, at \*3 (S.D.N.Y. Dec. 1, 2015)(affirming award to five wage and hour plaintiffs of \$367,240); *Guan N. v. N.Y. City Dep't for Educ.*, 11 Civ. 4299 (AJN), 2014 U.S. Dist. LEXIS 44783, at \*3 (S.D.N.Y. Mar. 24, 2014)(sustaining equal protection claims arising from public school investigation of student residences),

6. I am a member of the New York County Lawyers Association; the National Lawyers Guild; the National Employment Lawyers Association; and the Association of Trial Lawyers of America.

7. My current hourly rate is \$550 per hour.

8. I have known both Ms. Traub and Ms. McIntyre for many years through our joint involvement in and work for the New York affiliate of the National Employment Lawyers Association – an association devoted to advancing the workplace rights of employees and their representation in litigation.

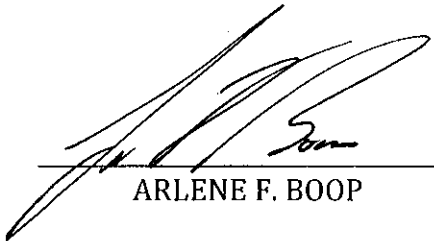
9. Ms. Traub enjoys an excellent reputation for her work, particularly on behalf of public sector employees. Indeed, it was for this reason that I brought Ms. Traub on as co-counsel in the case of *Gross v. United States*, No. 11-715C (Fed. Ct. Cl.), where together we were recently successful in obtaining class certification and summary judgment on behalf of more than 3,800 employees of the U.S. Census Bureau for Sunday premium pay. Through our work together, including the drafting of all pleadings, engaging in full-scale discovery with depositions taken across the country, and our successful motion papers and oral argument thereon for summary judgment, I witnessed first-hand the deep knowledge base, care taken and skill employed by Ms. Traub in helping bring this case to its current status of awaiting entry of monetary judgments on behalf of each of the class members.

10. So, too, I am very familiar with the commitment and superb advocacy skills of Ms. McIntyre, through continuing legal education programs she has presented, through her litigation practice, through her work as head of the Legislative Committee for the National Employment Lawyers Association, New York chapter, and as a colleague who has made her expertise and experience available in discussions of legal issues and strategy.

11. Based on my experience and background in employment discrimination cases, and my knowledge of the skill and experience of both Ms. Traub and Ms. McIntyre as well as my knowledge of the hourly rates generally charged by plaintiff's counsel in discrimination cases, I can state definitively that the rates they seek in this matter (\$450 for Ms. Traub and \$400 for Ms. McIntyre) are not just reasonable, they are below the \$500 to \$800 per hour charges which are

customary in the Southern District of New York for attorneys with their level of experience.

Dated: New York, New York  
February 26, 2018



ARLENE F. BOOP